



U.S. Department of Justice

**MEMO ENDORSED**

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

November 25, 2020

**By ECF**

Hon. Kenneth M. Karas  
United States Magistrate Judge  
The Hon. Charles L. Briant Jr.  
Federal Building and United States Courthouse  
300 Quarropas Street  
White Plains, New York 10601-4150

**Re: *Raphael v. Comm'r of Soc. Sec.*, No. 18-cv-6120 (KMK) (LMS)**

Dear Judge Karas:

This Office represents the Andrew M. Saul, the Commissioner of Social Security (the "Commissioner"), the defendant in the above-referenced action brought pursuant to 42 U.S.C. § 405(g), in which the plaintiff challenges the Commissioner's decision to deny her application for Social Security disability benefits.

I respectfully write to request a 30-day extension of the Commissioner's time to respond to the plaintiff's counsel's motion for fees under U.S.C. § 406(b)(1) (Dkt. Nos. 25-26), from today, November 25, 2020, to December 25, 2020. The Commissioner has no direct financial stake in § 406(b) matters, but he plays a part in the fee determination "resembling that of a trustee for the claimants." *Gisbrecht v. Barnhart*, 535 U.S. 789, 798 n.6 (2002); see *Wells v. Bowen*, 855 F.2d 37, 47 (2d Cir. 1988). The requested extension would allow the Commissioner to present the Court with the Commissioner's view to facilitate the proper administration of the attorney's fees provision contained in § 206(b) of the Social Security Act, 42 U.S.C. § 406(b).

The plaintiff's counsel consents to this request for an extension. This is the Commissioner's first request for an extension of time to respond to the instant motion, and the second request for an extension of time in this case. The Court previously granted the Commissioner a two-week extension of time to respond to the plaintiff's motion for attorney's fees under the Equal Access to Justice Act. (Dkt. No. 22.) I apologize for the lateness of this request, but I had hoped to be able to meet the current deadline and that the request would be unnecessary.

I thank the Court for its consideration of this request.

Respectfully,

AUDREY STRAUSS  
Acting United States Attorney


/s/ Amanda F. Parsels

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cc: Howard Olinsky, Esq. (by ECF)  
*Attorney for Plaintiff*

Granted.

So Ordered.

A handwritten signature in black ink, appearing to be 'H. Olinsky', written over a horizontal line.

11/25/20